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Compilation on Morocco

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of the information contained in the reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1,2]

2. In 2015, the Committee on Economic, Social and Cultural Rights encouraged Morocco to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural rights.[3]

3. In 2014, the Committee on the Rights of the Child recommended that Morocco ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.[4]

4. The Special Rapporteur on the rights of persons with disabilities indicated that her visit planned to take place in July 2016 had been postponed at the last moment at the request of the Government and had not been rescheduled.[5]

5. The Office of the United Nations High Commissioner for Human Rights (OHCHR) carried out a mission to Laâyoune and Dakhla from 12 to 18 April 2015 that enabled it to gather first-hand information and gain greater understanding of the human rights situation and challenges in Western Sahara, and to explore forms of future cooperation.[6]

6. The Secretary-General commended the parties' cooperation with OHCHR during its mission to Western Sahara and the refugee camps in 2015.[7] He urged the parties to respect and promote human rights, including by addressing outstanding human rights gaps.[8] He also urged further engagement with regard to the human rights situation in Western Sahara and the refugee camps, including by supporting human rights entities operating there and

by augmenting the provision of humanitarian aid in the camps. The Secretary-General stated that it was necessary to sustain an independent and impartial understanding of the human rights situation in both Western Sahara and the camps, through regular cooperation with OHCHR and the various United Nations human rights mechanisms, including human rights bodies, with the objective of ensuring protection of all.[9]

7. Between 2012 and 2015, Morocco contributed financially to OHCHR.[10]

III. National human rights framework[11]

8. In 2013, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment acknowledged that the National Human Rights Council had established a monitoring mechanism for many human rights violations, including torture and ill-treatment.[12] The Secretary-General welcomed the fact that the Council had been designated as the independent national preventive mechanism and urged completion of the legislative formalities required to complete the process.[13] The Committee on the Rights of the Child recommended that Morocco adopt expeditiously the law reforming the mandate of the National Human Rights Council in order to establish a specific mechanism for monitoring children's rights.[14]

9. In 2014, the Working Group on Arbitrary Detention recommended that Morocco strengthen the National Human Rights Council and provide it with the necessary means to ensure its proper functioning.[15]

10. The Human Rights Committee welcomed the adoption of the Act limiting the jurisdiction of military courts to military offences and offences committed in time of war (2014); the Act on domestic workers, which prohibits domestic work for children under 16 years of age (2016); and the framework law on the protection and promotion of the rights of persons with disabilities (2016).[16]

11. During her visit to Morocco in 2014, the former High Commissioner for Human Rights noted that a number of key independent institutions had been strengthened, including the National Human Rights Council, and the creation of the Interministerial Delegation on Human Rights.[17] She highlighted, however, that several key reforms, including legislation that would enable the enforcement of the rights set out in the Constitution, remained pending either in the executive or legislative arenas.[18]

12. In 2014, the Committee on the Rights of the Child recommended that Morocco ensure that the Integrated Child Protection Policy should cover all areas under the Convention, with special attention to children in the most vulnerable and disadvantaged situations.[19]

13. The Special Rapporteur on torture commended the strategic plan of the Interministerial Delegation for Human Rights (2012-2016).[20]

14. In 2016, the Independent Expert on human rights and international solidarity recommended that Morocco develop a human rights-sensitive national framework policy on human development that was informed by international human rights standards, including equality and non-discrimination.[21]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[22]

15. The Committee on Economic, Social and Cultural Rights recommended that Morocco adopt and apply a comprehensive anti-discrimination law, containing a general

prohibition of all forms of direct and indirect discrimination, and authorize the use of temporary special measures to benefit disadvantaged and marginalized groups.[23]

16. The same Committee recommended that Morocco remedy the regional disparities that prevented the enjoyment of economic, social and cultural rights on an equal basis by all the population.[24]

17. OHCHR reported that, in 2015, it had received information about four men who had been convicted of sodomy and sentenced for imprisonment after a trial that seemed to have been unfair. The media had reported the arrest of 20 individuals in 2015 because of sexual relations between persons of the same sex.[25]

18. The Human Rights Committee recommended that Morocco decriminalize homosexuality, free anyone who is in detention solely for having had consensual sexual relations and put an end to the social stigmatization of homosexuality and incitement to hate directed at persons because of their sexual orientation or gender identity.[26]

2. Development, the environment, and business and human rights[27]

19. The Independent Expert on international solidarity recommended that Morocco work jointly with civil society actors and development partners to establish a framework for the monitoring of foreign funds received by them.[28]

20. The same Independent Expert recommended that Morocco provide simplified and widely accessible information on international agreements signed by it, and the impact of such agreements on the country's population.[29]

21. The Independent Expert welcomed the constitutional recognition of the fundamental value of solidarity, which drives a participatory, accountable and environmentally sustained development model.[30]

22. In 2016, the Special Rapporteur on the right to food recommended that Morocco increase the implementation of environmental laws to protect its watersheds, forests and rivers, and mechanisms to prevent soil erosion and flooding and to enrich biodiversity.[31]

23. In relation to exploitation of the natural resources of the Western Sahara, the Secretary-General reiterated his call to all relevant actors to recognize the principle that the interests of the inhabitants of those territories were paramount.[32]

3. Human rights and counter-terrorism[33]

24. The Committee remained concerned about the broad and unclear wording of the provisions in the Criminal Code that defined what acts constituted acts of terrorism and the introduction of new, vaguely defined offences in 2015. The Committee recommended that Morocco revise the provisions in its Criminal Code on terrorism, define terrorism-related offences precisely and on the basis of their objective and ensure that this legislation does not unjustifiably restrict the exercise of the rights enshrined in the International Covenant on Civil and Political Rights.[34]

25. The Special Rapporteur on torture noted that the Anti-Terrorism Act provided for police custody for up to three consecutive periods of 96 hours without the right to consult a lawyer.[35]

26. The Human Rights Committee recommended that Morocco reduce the initial maximum allowable duration of police custody to 48 hours for terrorism-related and other offences and allow access to a lawyer from the time that a person is taken into custody.[36]

27. The Working Group on Arbitrary Detention was concerned at allegations that Morocco had served as a departure point, a transit country and a destination for illegal extraordinary renditions carried out in the context of the international fight against terrorism.[37]

B. Civil and political rights

1. Right to life, liberty and security of person[38]

28. The Human Rights Committee welcomed the reduction in 2014 in the number of offences punishable by the death penalty. It recommended that Morocco continue the current national debate on the abolition of the death penalty and consider formalizing the de facto moratorium currently observed.[39]

29. The Special Rapporteur on torture welcomed the acknowledgement of cases of torture during the "years of lead", but regretted that senior authorities denied that torture still occurred.[40] He was concerned that in some cases involving State security, there was a pattern of torture during the arrest process and while in detention, in particular, by agents of the National Surveillance Directorate.[41]

30. The Working Group on Arbitrary Detention was concerned at allegations of incommunicado detention.[42] It was also concerned that the criminal justice system relied heavily on confessions as the main evidence to support conviction, and complaints received indicated the use of torture by State officials to obtain evidence or confessions.[43] It recommended that Morocco take all necessary steps to ensure that criminal convictions were based on evidence other than the confession of the persons charged.[44]

31. The Special Rapporteur on torture recommended that Morocco ensure that no person convicted of or prosecuted for the crime of torture could benefit from an act of amnesty;[45] amend the Code of Criminal Procedure to ensure that any confession made had not been obtained by unlawful means;[46] end the practice of incommunicado and secret detention;[47] expedite investigation into all allegations of torture and ill-treatment; institute procedures of ex officio investigation;[48] and introduce effective and accessible complaint mechanisms.[49] He also recommended that it raise awareness among law enforcement personnel on the prohibition of torture.[50]

32. The Working Group on Arbitrary Detention recommend that Morocco ensure strict adherence to registration from the moment of arrest, in particular in cases involving national security, and that it hold police officers, including chiefs and investigation officials, criminally accountable for any unacknowledged detention.[51]

33. The Special Rapporteur on torture was concerned that conditions in most prisons were still alarming owing to overcrowding, ill-treatment and abusive disciplinary measures, unsanitary conditions, inadequate food and limited access to medical care. He was also concerned that solitary confinement was used excessively,[52] and at the detention conditions of prisoners held on death row.[53] The Working Group on Arbitrary Detention expressed similar concerns.[54] OHCHR reported that in 2015, it had documented the death of three Saharan prisoners, including due to medical negligence while in custody in Morocco.[55] The Special Rapporteur on torture recommended that Morocco allocate sufficient budgetary resources to improve prison conditions.[56]

34. The Human Rights Committee recommended that Morocco put in place a policy on the use of alternatives to deprivation of liberty.[57]

2. Administration of justice, including impunity, and the rule of law[58]

35. The Working Group on Arbitrary Detention regretted that, despite the legal guarantee to have access to a lawyer 24 hours after arrest, in ordinary criminal cases that provision seemed not to be fully respected in practice.[59] It recommended that Morocco ensure, through amendments to legislation, that access to lawyers of a suspect's own choosing was granted from the moment of apprehension without the presence of an investigator and without requiring the authorization of the prosecutor, including in cases of threats against national security.[60] The Human Rights Committee expressed similar concerns and recommendations.[61]

36. The Committee on the Rights of the Child reiterated its concern that the juvenile justice system of Morocco remained mostly punitive, as children were subjected to long periods of pretrial detention. It recommended that Morocco ensure that detention, including

pretrial detention, was used as a measure of last resort and for the shortest possible period of time.[62] The Special Rapporteur on torture recommended that it provide specialized prosecutors and specialized judicial police officers for cases of juvenile offenders.[63]

37. The Human Rights Committee recommended that Morocco pursue and step up its efforts to shed light on the circumstances surrounding all unsolved cases of enforced disappearance, including those linked to events in Western Sahara, and proceed without delay to conduct investigations with a view to identifying, bringing to trial and punishing the persons responsible for them.[64]

38. The Committee on Economic, Social and Cultural Rights was concerned about the prevalence of corruption in Morocco. It recommended that Morocco strengthen efforts to combat corruption effectively and guarantee transparency in the conduct of public affairs, notably by implementing bill No. 113.12.[65]

3. Fundamental freedoms and the right to participate in public and political life[66]

39. The Committee welcomed the adoption in 2016 of the new Press Code, under which press-related offences were no longer subject to custodial penalties. It was concerned, however, about the introduction of new provisions in the Criminal Code that established terms of imprisonment as penalties for acts perceived as being offensive to Islam or the monarchy or as posing a threat to the country's territorial integrity.[67] The Committee was concerned by reports that restrictions were placed on the practice of religions other than the official religion.[68] The Committee recommended that Morocco revise all the relevant provisions of the Criminal Code to ensure that they were fully in accordance with the International Covenant on Civil and Political Rights.[69]

40. The Human Rights Committee recommended that Morocco ensure that the law governing peaceful demonstrations was applied in accordance with the Covenant and that the exercise of that right was not subject to restrictions other than those that are authorized under the Covenant.[70]

41. The United Nations Educational, Scientific and Cultural Organization recommended that Morocco decriminalize defamation and make it a civil offence in accordance with international standards.[71]

42. The Secretary-General reported that, according to various sources, the Moroccan authorities continued to routinely prevent or disperse gatherings focused on the right to self-determination, discriminatory employment policies and other socioeconomic issues. Law enforcement officials also blocked access to demonstrations and often used excessive or unnecessary force in repressing demonstrations. In several cases, protesters and activists were allegedly subjected to arbitrary arrest, unfair trials and imprisonment on ostensibly trumped-up charges. Some persons were reportedly injured during demonstrations and did not receive equal and timely access to medical treatment of services.[72] In addition, water had been allegedly restricted by the security forces to hunger strikers.[73]

43. The Special Rapporteur on the rights to freedom of peaceful assembly and of association was also concerned by allegations relating to the excessive use of force during peaceful demonstrations and recalled that, in 2011, he had requested to visit the State party.[74]

44. The Secretary-General reported that unnecessary restrictions were reportedly imposed on some human rights defenders and activists seeking to enter and leave Western Sahara west of the berm, that a number of human rights organizations had not been accorded legal status, and that the Moroccan authorities continued to harass human rights defenders in Western Sahara.[75]

45. The Secretary-General noted that, during the mission of an OHCHR delegation to Laâyoune and Dakhla, its meetings with civil society and victims had been monitored and a few incidents of reprisal had been reported.[76]

4. Prohibition of all forms of slavery[57]

46. The Office of the United Nations High Commissioner for Refugees (UNHCR) commended the adoption in 2016 of the Law on Human Trafficking.[58] The Special Rapporteur on trafficking in persons, especially women and children, recommended that Morocco develop a related national plan of action and set out clear indicators to measure progress and the impact of police responses;[59] design a mechanism for the collection of data on cases of trafficking;[60] increase efforts to prosecute traffickers; and establish the necessary legal framework and procedures in order to ensure that victims and witnesses were protected.[61]

47. The Committee on the Rights of the Child recommended that Morocco prohibit and criminalize explicitly the recruitment and use of children under 18 years of age in hostilities by armed forces, non-State armed groups and security companies.[62]

5. Right to privacy and family life

48. The Human Rights Committee was concerned by reports of illegal infringements of the right to privacy in the course of surveillance operations targeting journalists and human rights defenders. It recommended that Morocco take all necessary steps to ensure that its surveillance activities were in accordance with the International Covenant on Civil and Political Rights and that any breach of privacy was in keeping with the principles of legality, proportionality and necessity.[63]

49. The Committee on the Rights of the Child was concerned about the consequences of the criminalization of sexual relations outside of marriage, which reportedly resulted in the abandonment of dozens of babies every day in Morocco.[64]

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work[65]

50. The Special Rapporteur on the right to food was concerned at the high rates of unemployment, informal employment and underemployment.[66]

51. The Committee on Economic, Social and Cultural Rights was concerned about the excessive length of time taken to hand down judgments in labour disputes and the lack of deterrent effect of the penalties, which were sometimes derisory or were not enforced.[67]

52. The same Committee recommended that Morocco strengthen its efforts to reduce significantly the youth unemployment rate, including through vocational and technical training programmes and incentives for employers.[68] The Special Rapporteur on the right to food expressed similar recommendations.[69]

53. The Committee urged Morocco to raise the minimum wage in agriculture to a level that guaranteed a decent living for workers and members of their families.[70]

2. Right to social security[71]

54. The Committee remained concerned that a large proportion of the population was not covered by social security. It urged Morocco to secure compliance by private enterprises, especially in rural areas, with the obligation of affiliation to the social security system and to improve the social coverage of workers in the agricultural sector.[72]

55. The Special Rapporteur on the right to food recommended that Morocco improve the identification of eligible beneficiaries of social protection schemes in order to ensure that they reached the poorest and most disadvantaged sectors of society, including those living in rural areas, and implement measures to ensure that targeting of beneficiaries was transparent and that corruption was eradicated at all levels within the system.[73] She also recommended that it review, analyse and modify policies and programmes on poverty reduction to ensure that gender concerns were taken into account in effective ways.[74]

3. Right to an adequate standard of living[95]

56. The same Special Rapporteur noted that Morocco had made impressive strides in reducing poverty, through the introduction of crucial economic and social reforms. She commended it for the adoption of policies and programmes to ensure the enjoyment of the right to food. However, she was concerned at the persistence of inequality and vulnerability, along with increasing disparities in incomes between regions, and urban and rural areas.[96] The Committee on Economic, Social and Cultural Rights recommended that Morocco ensure that the resources were distributed evenly and equitably between the different regions and between rural and urban areas.[97]

57. The Special Rapporteur on the right to food was concerned at the lack of implementation of legislation promoting the right to food policies.[98] She recommended that Morocco adopt a national right to food framework law based on time-bound benchmarks and effective implementation plans for each region.[99]

4. Right to health[100]

58. The Committee on Economic, Social and Cultural Rights remained concerned at the high rate of maternal mortality, especially in rural areas. It noted that 55 per cent of rural women reportedly received qualified assistance when giving birth, compared with 92 per cent of urban women. The Committee recommended that Morocco provide universal access to high-quality sexual and reproductive facilities and services, particularly in rural areas.[101] The Human Rights Committee also recommended that Morocco promote and guarantee access to contraception and to sexual and reproductive health education and services.[102]

59. The Committee on the Rights of the Child recommended that Morocco adopt a comprehensive sexual and reproductive health policy for adolescents, with special attention to preventing early pregnancy and sexually transmitted infections.[103]

60. The Committee on Economic, Social and Cultural Rights was concerned that the blanket criminalization of abortion drove many women to resort to illegal abortions, thus putting their health and their lives at risk. It recommended that Morocco take steps to prevent dangerous abortions.[104] The Human Rights Committee[105] and the Committee on the Rights of the Child made similar recommendations.[106]

5. Right to education[107]

61. According to UNESCO, the 2013-2016 plan for the education and vocational training sector included important measures to improve the quality of education.[108] However, the problem of young people who did not attend school and school dropouts remained a significant concern.[109] The Committee on the Rights of the Child recommended that Morocco strengthen its efforts to ensure enrolment of all children in primary and secondary education by taking targeted measures to reach children deprived of education.[110]

62. The Committee on Economic, Social and Cultural Rights noted the significant progress made in providing access to education but remained concerned about academic failure, and also about the poor quality of public education.[111]

63. The same Committee was also concerned about the spread of private education, which could lead to a form of segregation, with good-quality education restricted to those who can pay for private, elite schooling.[112]

64. The Committee expressed its concern at the disparities between school enrolment rates for girls and boys, and the difficulties the Saharans experience in gaining access to education, especially at the university level.[113]

65. ORCIR indicated that many of the poor regions, particularly the Middle Atlas region, were predominantly Amazigh and had illiteracy rates estimated as high as 80 per cent.[114]

D. Rights of specific persons or groups

1. Women[115]

66. The Committee on Economic, Social and Cultural Rights was concerned at the various bills containing discriminatory provisions against women.[116] The Special Rapporteur on the right to food recommended that Morocco ensure that laws currently under revision were in line with international human rights standards.[117]

67. While it welcomed the review of the Nationality Code carried out in 2007, which allowed Moroccan women to transmit their nationality to their children,[118] the Human Rights Committee remained concerned by legislative provisions that discriminated against women, including in the areas of marriage, divorce, child custody, legal guardianship of children and the transmission of nationality to a foreign spouse.[119] The Committee recommended that Morocco repeal all provisions that discriminate against women.[120]

68. The Committee on Economic, Social and Cultural Rights was concerned about the persistent violence against women, the limited support offered to victims, and the continued criminalization of "illicit relations", which deterred women from lodging complaints of rape. It recommended that the provision criminalizing illicit sexual relations be repealed. It also recommended that Morocco adopt a comprehensive law on violence against women consistent with relevant international standards, and that it ensure its implementation.[121]

69. The Human Rights Committee recommended that Morocco facilitate the reporting of crimes of violence, ensure that such reports were thoroughly investigated and that the offenders were prosecuted and sentenced and ensure that assistance was provided to victims.[122]

70. The Special Rapporteur on the right to food recommended that Morocco take measures to eliminate prejudices and negative practices against women's rights, including the right to land.[123] The Independent Expert on international solidarity recommended that a gender perspective be mainstreamed in all development programmes and policies across sectors.[124]

71. The Committee on Economic, Social and Cultural Rights recommended that Morocco abolish polygamy and conduct awareness-raising campaigns to eliminate gender stereotypes.[125] The Human Rights Committee made similar recommendations.[126]

72. The Committee on Economic, Social and Cultural Rights noted with concern the persistence of gender segregation in the labour market and women's very low rate of participation in employment. It recommended that Morocco identify the obstacles encountered by women in employment and take appropriate measures, including targeted ones, to promote work-life balance so as to increase women's participation. It also recommended that it adopt temporary special measures where necessary.[127]

73. The Committee regretted that sexual harassment was widespread and was concerned that women had limited means of obtaining justice and redress for fear of reprisals or social disapproval.[128]

2. Children[129]

74. The Committee on the Rights of the Child recommended that Morocco strengthen its international cooperation against child sex tourism through multilateral, regional and bilateral arrangements.[130]

75. The Committee on Economic, Social and Cultural Rights recommended that Morocco adopt the bill establishing the conditions of work and employment of domestic workers and ensure that the law set the minimum age for employment at 18 years.[131] The Committee on the Rights of the Child made similar recommendations.[132]

76. The Committee on the Rights of the Child was concerned about discrimination against girls and children born out of wedlock, including in areas relating to personal status. It recommended that Morocco remove from identity documents any mention that led to the

identification of children as born out of wedlock and that it repeal all legal provisions, especially those contained in the Family Code, that discriminated against those children.[133]

77. The same Committee expressed concern that many children reportedly suffered ill-treatment in police stations, especially children in street situations.[134] The OHCHR regional office for the Middle East and North Africa and the Working Group on Arbitrary Detention found a significant number of children, some as young as 14 years old, were held in ordinary prisons.[135] The Committee on the Rights of the Child recommended that Morocco investigate and prosecute cases of ill-treatment, ensuring that the abused child was not victimized in legal proceedings and that his/her privacy was protected.[136]

78. According to information gathered by OHCHR, there was recurrence of sexual assaults against children. It stressed the need for a national mechanism to monitor child rights violations.[137]

79. The Committee on the Rights of the Child was concerned that children in vulnerable situations were often placed all together in *centres de sauvegarde*, where they were deprived of their liberty and were often subjected to living conditions that amounted to ill-treatment.[138]

80. The same Committee was concerned that Morocco had still not prohibited corporal punishment, which constituted a widespread phenomenon. It recommended that Morocco prohibit unequivocally corporal punishment in all settings.[139]

81. The Committee on Economic, Social and Cultural Rights expressed concern at the fact that, in certain situations, a marriage could lawfully take place before the legal age of 18 years. It invited Morocco to set the minimum age for marriage at 18 years, and to ensure that marriages were entered into with the free consent of both parties.[140] The Committee on the Rights of the Child made similar recommendations.[141]

3. Persons with disabilities[142]

82. The Committee on the Rights of the Child welcomed the adoption of the National Action Plan for the Social Integration of Persons with Disabilities (2008-2017) and the increased number of children enrolled in integrated classes. It was, however, concerned that only one third of children with disabilities attended schools and that children with disabilities faced rejection and stigmatization.[143] The Committee on Economic, Social and Cultural Rights recommended that Morocco set up comprehensive measures to develop inclusive education.[144]

83. The Committee on the Rights of the Child was concerned that one fifth of children with disabilities never attended a health-care facility.[145]

84. The Committee on Economic, Social and Cultural Rights encouraged Morocco to apply the quota of 7 per cent for posts reserved for persons with disabilities and to take other special measures to promote access for them to employment, education and health care.[146]

85. The Special Rapporteur on the right to food recommended that Morocco ensure that a disability perspective was taken fully into account in the nutrition policy, health policy and other related initiatives.[147]

4. Minorities and indigenous peoples[148]

86. The Committee on Economic, Social and Cultural Rights took note of the fact that the Amazigh language had been constitutionally recognized as an official language.[149]

87. The Human Rights Committee recommended that Morocco step up its efforts to adopt an organic law on the Amazigh language that would allow that language to be used in judicial and administrative proceedings and Amazigh first names to be registered.[150]

88. The Committee on Economic, Social and Cultural Rights recommended that Morocco provide primary, secondary and university education in Amazigh, and increase the use of Amazigh on television.[151]

89. The same Committee remained concerned at the de facto discrimination against Amazighs, especially in terms of access to education and employment.[152]

90. The Committee expressed concern at the fact that the Saharo-Hassani language and culture were not sufficiently supported.[153]

91. The Committee recommended that Morocco guarantee Amazighs and Saharans full and unrestricted enjoyment of their right to take part in cultural life; take additional measures to protect cultural diversity and permit them to preserve, develop, express and disseminate their identity, history, culture, language, traditions and customs.[154]

92. The Committee was concerned that the Saharans' right to participate in the use and exploitation of natural resources was still not respected. It recommended that Morocco guarantee respect for the principle of the prior, free and informed consent of the Saharans, and thus that they were able to exercise their right to enjoy their natural wealth and resources.[155]

5. Migrants, refugees, asylum seekers and internally displaced persons[156]

93. The Human Rights Committee regretted that the regularization process pursued in 2014 did not result in the regularization of many refugees.[157] It recommended that Morocco expedite its revision of the legal framework on migration and asylum in order to align it with the International Covenant on Civil and Political Rights, redouble its efforts to regularize the situation of persons requiring international protection, remove the legal barriers to the recognition of marriages among refugees and asylum seekers and revise the Nationality Code so that nationality might be transmitted to all children born in Morocco.[158]

94. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families was concerned about reports that migrant workers in an irregular situation were victims of discrimination, [159] abuse and potentially fatal extreme violence, as well as of ill-treatment by some of the security services and by criminal groups in Morocco.[160]

95. The Committee on Migrant Workers was concerned that some migrant women had reportedly been forced into prostitution and migrants had been subjected to forced labour.[161]

96. The same Committee noted with concern information indicating that Morocco carried out collective expulsions and that migrants, in particular pregnant women and unaccompanied minors, were often abandoned in desert areas, including in mined areas.[162] The Committee on the Rights of the Child expressed similar concerns.[163] The Special Rapporteur on torture recommended that Morocco respect the fundamental rights of migrants, refugees and asylum seekers; ensure that they had access to health facilities and medical care without fear of arrest;[164] and take measures to prevent further violence and investigate reports of violence against them.[165]

97. UNHCR commended the national immigration and asylum policy; the national strategy for immigration and asylum [166] and the medical insurance scheme (*Régime d'Assistance Médicale*).[167] UNCHR recommended that Morocco ensure that refugees had effective access to the scheme.[168]

98. UNHCR recommended that Morocco accelerate efforts to enact the draft law on asylum, in consultation with UNHCR,[169] and that it include a mechanism to determine the best interests of asylum-seeking and refugee children.[170]

99. The Committee on the Rights of the Child urged Morocco to abolish the fees imposed for obtaining a birth certificate, and facilitate the provision of birth certificates to all refugee children who still did not possess one.[171]

100. The Secretary-General urged the international community to continue its support to increase funding to the refugee programme.[172] He encouraged the parties in conflict to engage in further dialogue with UNHCR on the resumption of the humanitarian programme in the Western Saharan population.[173]

101. The Committee on Economic, Social and Cultural Rights remained concerned about the precarious situation, upon their return, of Saharan refugees displaced by the conflict in Western Sahara, particularly women and children.[174]

102. UNHCR recommended that Morocco provide effective access to asylum procedures at all entry points of the country, including the transit areas of the airports, in order to guarantee effective protection against refoulement.[175]

E. Specific regions or territories[176]

103. The Human Rights Committee remained concerned by the limited progress made in dealing with the issue of the self-determination of the people of Western Sahara and the presence of the sand wall that limited their freedom of movement. It recommended that Morocco increase the efforts undertaken within the framework of negotiations conducted under the auspices of the Secretary-General of the United Nations so that the people of Western Sahara might enjoy their right to self-determination. In addition, Morocco should enhance the process of meaningful consultations in relation to development projects and resource extraction operations.[177]

104. The Secretary-General was concerned that, in Western Sahara, landmines and other explosive remnants of war continued to endanger the lives of local and nomadic populations. In addition, the departure of all international staff overseeing the Mine Action Service-managed demining project had resulted in the suspension of all demining activities.[178] According to the Secretary-General, it was crucial to make progress as soon as possible to address the tragic humanitarian situation in Western Sahara.[179]

105. The Human Rights Committee recommended that Morocco take the necessary steps to permit the people of Western Sahara to move about freely and safely and that it continue the demining programme along the sand wall.[180] The Committee on Economic, Social and Cultural Rights expressed similar recommendations.[181]

106. The Special Rapporteur on torture found that in Laâyoune, Western Sahara, torture and ill-treatment had been inflicted during arrest, at police stations and at the prison, and that excessive use of force was used during demonstrations for the independence of Western Sahara. He also heard testimonies alleging violations committed by non-State actors promoting the independence of Western Sahara.[182] The Working Group on Arbitrary Detention expressed similar concerns and recommendations.[183]

107. According to the Secretary-General, the alteration of the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) international civilian component could be exploited by terrorist and radical elements.[184] He called upon the Security Council to restore and support the mandated role of MINURSO.[185]

108. The Special Rapporteur on the right to food recommended that Morocco ensure that existing educational resources benefited the local population, and that it introduce mechanisms to significantly reduce unemployment and develop technical training programmes for Sahrawi people and incentives for employers to hire young people without discrimination.[186]

Notes

[1] Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Morocco are available at www.ohchr.org/EN/HRBodies/UPR/Pages/MASession27.aspx.
[2] For relevant recommendations, see A/HRC/21/3, paras. 129.1-129.11, 129.38, 129.123, 129.125, 129.128 and130.1.
[3] See E/C.12/MAR/CO/4, para. 51.
[4] See CRC/C/MAR/CO/3-4, para. 76.
[5] See A/HRC/34/58, para. 2.
[6] See S/2016/355, para. 65.
[7] Ibid., para. 101.
[8] Ibid., para. 100.
[9] Ibid., para. 102.
[10] OHCHR, "Donor profiles", in *OHCHR Report 2015*, p. 111.
[11] For relevant recommendations, see A/HRC/21/3, paras. 129.12-129.37, 129.84, 129.125 and 129.127.
[12] See A/HRC/22/53/Add.2, para. 80.
[13] See S/2016/355, para. 101.
[14] See CRC/C/MAR/CO/3-4, paras. 18-19.
[15] See A/HRC/27/48/Add.5, para. 83 (m).
[16] See CCPR/C/MAR/CO/6, para. 3 (c)-(e).
[17] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14652&LangID=E.
[18] Ibid.
[19] See CRC/C/MAR/CO/3-4, paras. 12-13.
[20] See A/HRC/22/53/Add.2, para. 69.
[21] See A/HRC/32/43/Add.1, para. 73 (b).
[22] For relevant recommendations, see A/HRC/21/3, paras. 129.21 and 129.42.
[23] See E/C.12/MAR/CO/4, paras. 13-14.
[24] Ibid.
[25] OHCHR regional office for the Middle East and North Africa submission for the universal periodic review of Morocco, p. 11.
[26] See CCPR/C/MAR/CO/6, para. 12.
[27] For relevant recommendations, see A/HRC/21/3, paras. 129.102, 129.109, 129.115 and 129.127.
[28] See A/HRC/32/43/Add.1, para. 73 (f).
[29] Ibid., para. 73 (a).
[30] Ibid., para. 72.
[31] See A/HRC/31/51/Add.2, para. 77.
[32] See S/2016/355, para. 103.
[33] For relevant recommendations, see A/HRC/21/3, para. 129.124.
[34] See CCPR/C/MAR/CO/6, paras. 17-18.
[35] See A/HRC/22/53/Add.2, para. 87 (e).
[36] See CCPR/C/MAR/CO/6, para. 18.
[37] See A/HRC/27/48/Add.5, para. 75.
[38] For relevant recommendations, see A/HRC/21/3, paras. 129.49-129-50, 129.56, 128.58-129.60, 129.62, 129.65, 129.77 and 130.12.
[39] See CCPR/C/MAR/CO/6, paras. 19-20.
[40] See A/HRC/22/53/Add.2, para. 71.
[41] Ibid., para. 72.
[42] See A/HRC/27/48/Add.5, para. 75.
[43] Ibid., para. 78.
[44] Ibid., para. 83 (e).
[45] A/HRC/22/53/Add.2, para. 87 (c).
[46] Ibid., para. 87 (g).
[47] Ibid., para. 88 (c).
[48] Ibid., para. 88 (f).
[49] Ibid., para. 88 (m).
[50] Ibid., para. 95 (b).
[51] See A/HRC/27/48/Add.5, para. 83 (h).
[52] See A/HRC/22/53/Add.2, para. 81.
[53] Ibid., para. 83.
[54] See A/HRC/27/48/Add.5, para. 79.
[55] OHCHR regional office submission, p. 7.
[56] See A/HRC/22/53/Add.2, para. 93 (b).

[57] See CCPR/C/MAR/CO/6, para. 30.
[58] For relevant recommendations, see A/HRC/21/3, paras. 129.67-129.76 and 129.81.
[59] See A/HRC/27/48/Add.5, para. 77.
[60] Ibid., para. 83 (a).
[61] See CCPR/C/MAR/CO/6, paras. 25-26.
[62] See CRC/C/MAR/CO/3-4, paras. 74-75.
[63] See A/HRC/22/53/Add.2, para. 91 (c).
[64] See CCPR/C/MAR/CO/6, para. 28.
[65] See E/C.12/MAR/CO/4, paras. 11-12.
[66] For relevant recommendations, see A/HRC/21/3, paras. 129.79-129.80, 129.82, 129.85-129.87, 129.89-129.96, 130.3 and 130.11.
[67] See CCPR/C/MAR/CO/6, para. 43.
[68] Ibid., para. 39.
[69] Ibid., para. 40.
[70] Ibid., para. 46.
[71] See UNESCO submission for the universal periodic review of Morocco, para. 70.
[72] See S/2016/355, para. 68.
[73] Ibid., para. 69.
[74] See A/HRC/23/39/Add.2, paras. 12 and 282.
[75] See S/2016/355, para. 71.
[76] Ibid., para. 66.
[77] For relevant recommendations, see A/HRC/21/3, paras. 129.51-129.55, 129.57, 129.61, 129.63-129.64 and 129.66.
[78] UNHCR submission for the universal periodic review of Morocco, p. 3. See also A/HRC/21/3, para. 129.107.
[79] See A/HRC/26/37/Add.3, para. 81.
[80] Ibid., para. 84.
[81] Ibid., para. 91.
[82] See CRC/C/OPAC/MAR/CO/1, paras. 15-16.
[83] See CCPR/C/MAR/CO/6, paras. 37-38.
[84] See CRC/C/MAR/CO/3-4, paras. 46-47.
[85] For relevant recommendations, see A/HRC/21/3, paras. 129.100, 129.109, 129.111 and 130.4.
[86] See A/HRC/31/51/Add.2, para. 48.
[87] E/C.12/MAR/CO/4, paras. 19-20.
[88] Ibid., paras. 21-22.
[89] See A/HRC/31/51/Add.2, para. 91.
[90] See E/C.12/MAR/CO/4, paras. 25-26.
[91] For relevant recommendations, see A/HRC/21/3, paras. 129.9, 129.100, 129.103, 129.105-129.107, and 129.111-129.113.
[92] See E/C.12/MAR/CO/4, paras. 35-36.
[93] See A/HRC/31/51/Add.2, para. 87.
[94] Ibid., para. 85.
[95] For relevant recommendations, see A/HRC/21/3, paras. 129.99, 129.101-129.103, 129.105-129.106, 129.112-129.113, 129.115 and 130.1-130.12.
[96] See A/HRC/31/51/Add.2, para. 61 and A/HRC/21/3, para. 129.108.
[97] See E/C.12/MAR/CO/4, paras. 43-44.
[98] See A/HRC/31/51/Add.2, para. 61.
[99] Ibid., para. 66.
[100] For relevant recommendations, see A/HRC/21/3, paras. 129.97-129.98, 129.104, 129.107, 129.114, and 130.5-130.7.
[101] See E/C.12/MAR/CO/4, paras. 45-46.
[102] See CCPR/C/MAR/CO/6, para. 22.
[103] See CRC/C/MAR/CO/3-4, paras. 56-57.
[104] See E/C.12/MAR/CO/4, paras. 45-46.
[105] See CCPR/C/MAR/CO/6, para. 22.
[106] See CRC/C/MAR/CO/3-4, paras. 56-57.
[107] For relevant recommendations, see A/HRC/21/3, paras. 129.116-129.120 and 130.9-130.10.
[108] See UNESCO submission, para. 10.
[109] Ibid., para. 24.
[110] See CRC/C/MAR/CO/3-4, paras. 60-61.
[111] See E/C.12/MAR/CO/4, paras. 47-48.
[112] Ibid.
[113] Ibid.

[114] OHCHR regional office submission, p. 6.
[115] For relevant recommendations, see A/HRC/21/3, paras. 129.39-129.41, 129.43-129.48, 129.78, 129.88 and 129.128.
[116] See E/C.12/MAR/CO/4, paras. 17-18.
[117] See A/HRC/31/51/Add.2, paras. 67-66.
[118] See CCPR/C/MAR/CO/6, para. 3 (f).
[119] Ibid., para. 13.
[120] Ibid., para. 14.
[121] See E/C.12/MAR/CO/4, paras. 37-38.
[122] See CCPR/C/MAR/CO/6, para. 16.
[123] See A/HRC/31/51/Add.2, paras. 79 and 81.
[124] See A/HRC/32/43/Add.1, para. 73 (b).
[125] See E/C.12/MAR/CO/4, paras. 17-18.
[126] See CCPR/C/MAR/CO/6, para. 14.
[127] See E/C.12/MAR/CO/4, paras. 17-18.
[128] Ibid., paras. 31-32.
[129] For relevant recommendations, see A/HRC/21/3, paras. 129.65 and 130.2.
[130] See CRC/C/MAR/CO/3-4, paras. 22-23.
[131] E/C.12/MAR/CO/4, paras. 31-32.
[132] See CRC/C/MAR/CO/3-4, paras. 64-65.
[133] Ibid., paras. 24-25.
[134] Ibid., paras. 34-35.
[135] See OHCHR regional office submission, p. 7.
[136] See CRC/C/MAR/CO/3-4, paras. 34-35.
[137] See OHCHR regional office submission, p. 11.
[138] See CRC/C/MAR/CO/3-4, paras. 38-39.
[139] Ibid., paras. 36-37.
[140] See E/C.12/MAR/CO/4, paras. 39-40.
[141] See CRC/C/MAR/CO/3-4, paras. 26-27.
[142] For relevant recommendations, see A/HRC/21/3, paras.129.41-129.42.
[143] See CRC/C/MAR/CO/3-4, paras. 52-53.
[144] See E/C.12/MAR/CO/4, paras. 23-24.
[145] See CRC/C/MAR/CO/3-4, paras. 52-53.
[146] See E/C.12/MAR/CO/4, paras. 23-24.
[147] See A/HRC/31/51/Add.2, para. 93.
[148] For the relevant recommendations, see A/HRC/21/3, para.130.11.
[149] See E/C.12/MAR/CO/4, para. 49.
[150] See CCPR/C/MAR/CO/6, para. 50.
[151] See E/C.12/MAR/CO/4, paras. 49-50.
[152] Ibid., paras. 13-14.
[153] Ibid., paras. 49-50.
[154] Ibid.
[155] Ibid., paras. 5-6.
[156] For relevant recommendations, see A/HRC/21/3, paras. 129.121-129.122.
[157] See CCPR/C/MAR/CO/6, para. 35.
[158] Ibid., para. 36.
[159] See CRC/C/MAR/CO/3-4, paras. 19-20.
[160] See CMW/C/MAR/CO/1, paras. 27-28.
[161] Ibid., paras. 47-48.
[162] Ibid., paras. 31-32.
[163] See CRC/C/MAR/CO/3-4, paras. 62-63.
[164] See A/HRC/22/53/Add.2, para. 90 (b).
[165] Ibid., para. 90 (a).
[166] UNHCR submission, p. 2.
[167] Ibid., p. 3.
[168] UNHCR submission, p. 4. See also A/HRC/21/3, paras. 129.107 (Mexico) and 129.111 (Qatar).
[169] UNHCR submission, p. 4.
[170] Ibid., p. 5.
[171] See CRC/C/MAR/CO/3-4, paras. 30-31.
[172] See S/2016/355, para. 98.
[173] Ibid., para. 99.
[174] See E/C.12/MAR/CO/4, paras. 5-6.
[175] UNHCR submission, p. 4.

[176] For relevant recommendations, see A/HRC/21/3, paras. 130.3 and 130.11-130.12.
[177] See CCPR/C/MAR/CO/6, paras. 9-10.
[178] See S/2016/355, para. 39.
[179] Ibid., para. 89.
[180] See CCPR/C/MAR/CO/6, para. 10.
[181] See E/C.12/MAR/CO/4, paras. 5-6.
[182] See A/HRC/22/53/Add.2, paras. 84-85.
[183] See A/HRC/27/48/Add.5, para. 81.
[184] See S/2016/355, para. 93.
[185] Ibid., para. 95.
[186] See A/HRC/31/51/Add.2, para. 95.